

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

HAMILTON COUNTY EMERGENCY
COMMUNICATIONS DISTRICT,

Plaintiff,

v.

ORBACOM COMMUNICATIONS
INTEGRATOR CORPORATION,
ORBACOM SYSTEMS, INC., OCI
LIQUIDATING LLC, IPC INFORMATION
SYSTEMS HOLDING, INC., HERBERT
COHEN, and RONALD NEWFIELD,

Defendants.

No. 1:04-CV-7

Judge Curtis L. Collier

ORDER

In accordance with the accompanying memorandum the Court **GRANTS IN PART, DENIES IN PART, and RESERVES RULING IN PART** Plaintiff Hamilton County Emergency Communications District's ("Plaintiff") Motion for Summary Judgment (Court File No. 221). The Court hereby **ORDERS** as follows:

- (1) Plaintiff's motion for summary judgment on its Tenn. Code Ann. § 66-3-306(a) Uniform Fraudulent Transfer Act ("UFTA"), Tenn. Code Ann. § 66-3-301, *et seq.*, claim based on the October 1, 2004 transactions is **GRANTED**;
- (2) Plaintiff's motion for summary judgment on Counts II and III of its Complaint is **DENIED**; and
- (3) The Court **RESERVES RULING** on Plaintiff's motion for summary judgment on

its Tennessee Consumer Protection Act (“TCPA”), Tenn. Code Ann. § 47-8-101, *et seq.*, claims.

Further, the Court **GRANTS IN PART, DENIES IN PART**, and **RESERVES RULING IN PART** Defendants Orbacom Communications Integrator Corp.’s (“OCI”), OCI Liquidating LLC’s (“OCIL”), Herbert Cohen’s (“Cohen”), and Ronald Newfield’s (“Newfield”) (collectively “Cohen Defendants”) motion for summary judgment (Court File No. 219, part 1). In addition, the Court **GRANTS IN PART** and **DENIES IN PART** Defendants Orbacom Systems, Inc.’s (“OSI”) and IPC Information Systems Holdings, Inc.’s (“IPC”) (all Defendants collectively referred to as “Defendants”) motion for summary judgment (Court File No. 215). The Court hereby **ORDERS** as follows:

- (1) The Defendants’ motions for summary judgment on all UFTA claims not based on § 66-3-306(a) is **GRANTED** and those claims are **DISMISSED**;
- (2) The Cohen Defendants’ motion for summary judgment with respect to UFTA claims based on 2002 transfers is **GRANTED** and those claims are **DISMISSED**;
- (3) The Defendants’ motions for summary judgment on pre-October 1, 2004 transfers taking place after Plaintiff’s claim arose and the post-October 1, 2004 transfers is **DENIED**;
- (4) The Defendants’ motions with respect to § 66-3-306(a) claims based on the October 1, 2004 transactions is **DENIED**; and
- (5) The Court **RESERVES RULING IN PART** the Cohen Defendants’ motion for summary judgment with respect to the 2003 payments made to Cohen and Newfield.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE